

Task Force Comments on the Best Value Draft Legislation

Janice Zahn:

Attached is the best value draft with suggested revisions by the Port of Seattle.
Thanks for the opportunity to comment.

Marsha Reilly 786-7135

House Committee on State Government and Tribal Affairs

July 12, 2010 (10:47 AM)

AN ACT Relating to authorizing pilot projects using the best value contracting procedure; and adding a new section to chapter 39.10 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 39.10 RCW to read as follows: (1) The project review committee may authorize twenty pilot projects using best value contracting. For purposes of this section, "best value contracting" means a public works project that is awarded based on price, qualifications, and value added to the overall project a combination of price and other factors. In order for a public body to be authorized to use best value, it must have completed or completed the procurement process for either a general contractor construction manager or a design build project since in the previous five years July 2006. The project review committee may authorize a public body to use best value when all both of the following criteria are met:

(a) The project involves construction with a high risk of cost schedule or other operational impacts, or requires a contractor

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~~highly skilled with the installation of a specific system~~with a high degree of specialized skills;

(b) ~~Implementation of the project requires a high level of contractor management skills in a specialized area during construction~~The additional criteria valued by the owner are relevant and applicable to the project,~~can be quantified~~ and combined with bid price to make an objective selection for award; ~~and~~

~~(c) The project has a high potential to benefit from the value added by a specialized construction management approach.~~

No public body may be authorized more than three pilot projects using best value.

(2) If a public body is authorized a best value pilot project, it must:

(a) Publish a notice of its intent to utilize the best value process to evaluate bidders in a legal newspaper published in or as near as possible to that part of the county where the public work will be constructed at least fourteen (14) calendar days before conducting a public hearing. The public hearing notice must include the date, time, and location of the hearing and the specific criteria and applicable weights given to each criterion that will be used to evaluate the proposals.

(b) Conduct a public hearing and provide an opportunity for any interested party to submit written and verbal comments regarding the evaluation criteria and weights for each criterion.

(c) After the public hearing, consider and respond to written and verbal comments received and other project considerations to determine the final criteria and weights given to each criterion.

(3) Contracts using best value must be awarded through a competitive process using public solicitation of proposals. The public body must publish at least once in a legal newspaper of general circulation published in, or as near as possible to that part of the county in which the public work will be constructed, a notice of its request for proposals and the availability and location of the proposal documents. ~~The public body shall make an~~

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~~effort to solicit proposals from certified minority or certified woman-owned contractors to the extent permitted by the Washington state civil rights act, RCW 49.60.400.~~ The request for proposal

documents must include:

(a) Design drawings and specifications;

(b) ~~A description of the qualifications, experience, and previous performance required of the proposer;~~

(c) A description of the ~~factors~~ evaluation criteria (other than design modifications), ~~other than modifications to the basis of design (?),~~ that ~~may will~~ be considered by the public body ~~that add value as critical to the project (these criteria will not involve modifications to the drawings and specifications);~~ and

(d) A description of the specific information to be required in proposals and the process the public body will use to evaluate the proposals ~~and finalists' proposals,~~ including ~~evaluation factors criteria factors~~ and the relative weights of ~~factors criteria factors~~ the evaluation criteria ~~and any specific forms to be used by the proposers (evaluation forms?).~~

(3) The public body must establish an evaluation committee to evaluate proposals. Evaluations are based on the ~~criteria~~ ionia and process identified in the ~~bid~~ request for proposal documents. Based on the evaluation committee's findings, the public body will select the firm offering the best ~~price and value added~~ combination of price and other factors ~~value.~~

(4) A public body utilizing the best value contracting procedure shall submit project information as required by the capital projects advisory review board. Contract documents must include requirements that the contractor, subcontractors, and designers also submit project information as required by the board.

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